

Senate Amendments to House Bill No. 1102

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

43 **SECTION 1.** Section 23-15-801, Mississippi Code of 1972, is
44 amended as follows:

45 23-15-801. As used in this article:

46 (a) "Election" means a general, special, primary or
47 runoff election.

48 (b) "Candidate" means an individual who seeks
49 nomination for election, or election, to any elective office other
50 than a federal elective office and for purposes of this article,
51 an individual shall be deemed to seek nomination for election, or
52 election:

53 (i) If such individual has received contributions
54 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
55 expenditures aggregating in excess of Two Hundred Dollars
56 (\$200.00) or for a candidate for the Legislature or any statewide
57 or state district office, by the qualifying deadlines specified in
58 Sections 23-15-299 and 23-15-977, whichever occurs first; or

59 (ii) If such individual has given his or her
60 consent to another person to receive contributions or make
61 expenditures on behalf of such individual and if such person has
62 received such contributions aggregating in excess of Two Hundred
63 Dollars (\$200.00) during a calendar year, or has made such
64 expenditures aggregating in excess of Two Hundred Dollars
65 (\$200.00) during a calendar year.

66 (c) "Political committee" means any committee, party,
67 club, association, political action committee, campaign committee
68 or other groups of persons or affiliated organizations which

69 receives contributions aggregating in excess of Two Hundred
70 Dollars (\$200.00) during a calendar year or which makes
71 expenditures aggregating in excess of Two Hundred Dollars
72 (\$200.00) during a calendar year for the purpose of influencing or
73 attempting to influence the action of voters for or against the
74 nomination for election, or election, of one or more candidates,
75 or balloted measures and shall, in addition, include each
76 political party registered with the Secretary of State.

77 (d) "Affiliated organization" means any organization
78 which is not a political committee, but which directly or
79 indirectly establishes, administers or financially supports a
80 political committee.

81 (e) (i) "Contribution" includes any gift,
82 subscription, loan, advance or deposit of money or anything of
83 value made by any person or political committee for the purpose of
84 influencing any election for elective office or balloted measure.

85 (ii) The term "contribution" includes a check made
86 by any person, organization or political committee for the purpose
87 of influencing any election for an elective office or balloted
88 measure. A check shall be considered to have been received under
89 this article for the purpose of reporting when the candidate,
90 political committee, political party or affiliated organization
91 obtains physical possession of the check.

92 (iii) "Contribution" does not include the value of
93 services provided without compensation by any individual who
94 volunteers on behalf of a candidate or political committee; or the
95 cost of any food or beverage for use in any candidate's campaign
96 or for use by or on behalf of any political committee of a
97 political party.

98 (iv) "Contribution to a political party" includes
99 any gift, subscription, loan, advance or deposit of money or
100 anything of value made by any person, political committee, or
101 other organization to a political party and to any committee,
102 subcommittee, campaign committee, political committee and other
103 groups of persons and affiliated organizations of the political

104 party; however, a contribution to a political party does not
105 include the value of services provided without compensation by any
106 individual who volunteers on behalf of a political party or a
107 candidate of a political party.

108 (f) (i) "Expenditure" includes:

109 1. Any purchase, payment, distribution, loan,
110 advance, deposit, gift of money or anything of value, made by any
111 person or political committee for the purpose of influencing any
112 balloted measure or election for elective office; and

113 2. A written contract, promise, or agreement
114 to make an expenditure.

115 (ii) "Expenditure" does not include:

116 1. Any news story, commentary or editorial
117 distributed through the facilities of any broadcasting station,
118 newspaper, magazine, or other periodical publication, unless such
119 facilities are owned or controlled by any political party,
120 political committee, or candidate; or

121 2. Nonpartisan activity designed to encourage
122 individuals to vote or to register to vote.

123 (iii) "Expenditure by a political party" includes:

124 1. Any purchase, payment, distribution, loan,
125 advance, deposit, gift of money or anything of value, made by any
126 political party and by any contractor, subcontractor, agent, and
127 consultant to the political party; and

128 2. A written contract, promise, or agreement
129 to make such an expenditure.

130 (g) * * * "Identification" means:

131 (i) In the case of any individual, the name, the
132 mailing address, and the occupation of such individual, as well as
133 the name of his or her employer; and

134 (ii) In the case of any other person, the full
135 name and address of such person.

136 (h) * * * "Political party" means an association,
137 committee or organization which nominates a candidate for election

138 to any elective office whose name appears on the election ballot
139 as the candidate of such association, committee or organization.

140 (i) * * * "Person" means any individual, family, firm,
141 corporation, partnership, association or other legal entity.

142 (j) * * * "Independent expenditure" means an
143 expenditure by a person expressly advocating the election or
144 defeat of a clearly identified candidate which is made without
145 cooperation or consultation with any candidate or any authorized
146 committee or agent of such candidate, and which is not made in
147 concert with or at the request or suggestion of any candidate or
148 any authorized committee or agent of such candidate.

149 (k) * * * "Clearly identified" means that:

150 (i) The name of the candidate involved appears; or

151 (ii) A photograph or drawing of the candidate
152 appears; or

153 (iii) The identity of the candidate is apparent by
154 unambiguous reference.

155 **SECTION 2.** Section 23-15-805, Mississippi Code of 1972, is
156 amended as follows:

157 23-15-805. (1) Candidates for state, state district, and
158 legislative district offices, and every political committee, which
159 makes reportable contributions to or expenditures in support of or
160 in opposition to a candidate for any such office or makes
161 reportable contributions to or expenditures in support of or in
162 opposition to a statewide ballot measure, shall file all reports
163 required under this article with the Office of the Secretary of
164 State.

165 (2) (a) From and after January 1, 2007, when aggregate
166 contributions or aggregate disbursements for a calendar year reach
167 in excess of Five Hundred Thousand Dollars (\$500,000.00), a
168 candidate for state or state district office or his or her
169 authorized committee or agent shall file all subsequent reports
170 required by this article by electronic format.

171 (b) The Office of the Secretary of State shall adopt
172 rules and regulations designating the format and software to be

173 used in filing reports by electronic format under this subsection.
174 All candidates and committees required to file reports by
175 electronic format under this subsection shall follow the format
176 and use the software prescribed by the Office of the Secretary of
177 State or any other compatible software.

178 (3) Candidates for county or county district office, and
179 every political committee which makes reportable contributions to
180 or expenditures in support of or in opposition to a candidate for
181 such office or makes reportable contributions to or expenditures
182 in support of or in opposition to a countywide ballot measure or a
183 ballot measure affecting part of a county, excepting a municipal
184 ballot measure, shall file all reports required by this section in
185 the office of the circuit clerk of the county in which the
186 election occurs. The circuit clerk shall forward copies of all
187 reports to the Office of the Secretary of State.

188 (4) Candidates for municipal office, and every political
189 committee which makes reportable contributions to or expenditures
190 in support of or in opposition to a candidate for such office, or
191 makes reportable contributions to or expenditures in support of or
192 in opposition to a municipal ballot measure shall file all reports
193 required by this article in the office of the municipal clerk of
194 the municipality in which the election occurs. The municipal
195 clerk shall forward copies of all reports to the Office of the
196 Secretary of State.

197 (5) The Secretary of State, the circuit clerks and the
198 municipal clerks shall make all reports received under this
199 subsection available for public inspection and copying and shall
200 preserve such reports for a period of five (5) years.

201 * * *

202 **SECTION 3.** Section 23-15-807, Mississippi Code of 1972, is
203 amended as follows:

204 23-15-807. (1) Each candidate or political committee shall
205 file reports of contributions and disbursements in accordance with
206 the provisions of this section. All candidates or political
207 committees required to report may terminate its obligation to

208 report only upon submitting a final report that it will no longer
209 receive any contributions or make any disbursement and that such
210 candidate or committee has no outstanding debts or obligations.
211 The candidate, treasurer or chief executive officer shall sign
212 each such report.

213 (2) Candidates who are seeking election, or nomination for
214 election, and political committees that make expenditures for the
215 purpose of influencing or attempting to influence the action of
216 voters for or against the nomination for election, or election, of
217 one or more candidates or balloted measures at such election,
218 shall file the following reports:

219 (a) In any calendar year during which there is a
220 regularly scheduled election, a preelection report, which shall be
221 filed no later than the seventh day before any election in which
222 such candidate or political committee has accepted contributions
223 or made expenditures and which shall be complete as of the tenth
224 day before such election;

225 (b) In 1987 and every fourth year thereafter, periodic
226 reports, which shall be filed no later than the tenth day after
227 April 30, May 31, June 30, September 30 and December 31, and which
228 shall be complete as of the last day of each period; and

229 (c) In any calendar years except 1987 and except every
230 fourth year thereafter, a report covering the calendar year which
231 shall be filed no later than January 31 of the following calendar
232 year.

233 (3) All candidates for judicial office as defined in Section
234 23-15-975, or their political committees, shall file in the year
235 in which they are to be elected, periodic reports which shall be
236 filed no later than the tenth day after April 30, May 31, June 30,
237 September 30 and December 31.

238 (4) Contents of reports. Each report under this article
239 shall disclose:

240 (a) For the reporting period and the calendar year, the
241 total amount of all contributions and the total amount of all
242 expenditures of the candidate or reporting committee which shall

243 include those required to be identified pursuant to paragraph (b)
244 of this subsection as well as the total of all other contributions
245 and expenditures during the calendar year. Such reports shall be
246 cumulative during the calendar year to which they relate;

247 (b) The identification of:

248 (i) Each person or political committee who makes a
249 contribution to the reporting candidate or political committee
250 during the reporting period, whose contribution or contributions
251 within the calendar year have an aggregate amount or value in
252 excess of Two Hundred Dollars (\$200.00) together with the date and
253 amount of any such contribution;

254 (ii) Each person or organization, candidate or
255 political committee who receives an expenditure, payment or other
256 transfer from the reporting candidate, political committee or its
257 agent, employee, designee, contractor, consultant or other person
258 or persons acting in its behalf during the reporting period when
259 the expenditure, payment or other transfer to such person,
260 organization, candidate or political committee within the calendar
261 year have an aggregate value or amount in excess of Two Hundred
262 Dollars (\$200.00) together with the date and amount of such
263 expenditure;

264 (c) The total amount of cash on hand of each reporting
265 candidate and reporting political committee;

266 (d) In addition to the contents of reports specified in
267 paragraphs (a), (b) and (c) of this subsection (4), each political
268 party shall disclose:

269 (i) Each person or political committee who makes a
270 contribution to a political party during the reporting period and
271 whose contribution or contributions to a political party within
272 the calendar year have an aggregate amount or value in excess of
273 Two Hundred Dollars (\$200.00), together with the date and amount
274 of the contribution;

275 (ii) Each person or organization who receives an
276 expenditure by a political party or expenditures by a political
277 party during the reporting period when the expenditure or

278 expenditures to the person or organization within the calendar
279 year have an aggregate value or amount in excess of Two Hundred
280 Dollars (\$200.00), together with the date and amount of the
281 expenditure.

282 (5) The appropriate office specified in Section 23-15-805
283 must be in actual receipt of the reports specified in this article
284 by 5:00 p.m. on the dates specified in subsection (2) of this
285 section. If the date specified in subsection (2) of this section
286 shall fall on a weekend or legal holiday then the report shall be
287 due in the appropriate office at 5:00 p.m. on the first working
288 day before the date specified in subsection (2) of this section.
289 The reporting candidate or reporting political committee shall
290 ensure that the reports are delivered to the appropriate office by
291 the filing deadline. The Secretary of State may approve specific
292 means of electronic transmission of completed campaign finance
293 disclosure reports, which may include, but not be limited to,
294 transmission by electronic facsimile (FAX) devices.

295 (6) (a) If any contribution of more than Two Hundred
296 Dollars (\$200.00) is received by a candidate or candidate's
297 political committee after the tenth day, but more than forty-eight
298 (48) hours before 12:01 a.m. of the day of the election, the
299 candidate or political committee shall notify the appropriate
300 office designated in Section 23-15-805, within forty-eight (48)
301 hours of receipt of the contribution. The notification shall
302 include:

- 303 (i) The name of the receiving candidate;
304 (ii) The name of the receiving candidate's
305 political committee, if any;
306 (iii) The office sought by the candidate;
307 (iv) The identification of the contributor;
308 (v) The date of receipt;
309 (vi) The amount of the contribution;
310 (vii) If the contribution is in-kind, a
311 description of the in-kind contribution; and

312 (viii) The signature of the candidate or the
313 treasurer or director of the candidate's political committee.

314 (b) The notification shall be in writing, and may be
315 transmitted by overnight mail, courier service, or other reliable
316 means, including electronic facsimile (FAX), but the candidate or
317 candidate's committee shall ensure that the notification shall in
318 fact be received in the appropriate office designated in Section
319 23-15-805 within forty-eight (48) hours of the contribution.

320 (7) (a) In addition to the information required to be
321 disclosed in subsection (4) of this section, candidates shall
322 disclose:

323 (i) The identity of any individual or entity from
324 which the candidate receives a loan or other extension of credit
325 for use in his campaign or in furtherance of any campaign
326 activities;

327 (ii) The identity of any individual or entity
328 which assumes, in whole or in part, such loan or other extension
329 of credit;

330 (iii) The identity of any individual or entity to
331 which such loan or other extension of credit has been assigned or
332 otherwise transferred, in whole or in part, by contract, purchase,
333 operation of law or otherwise;

334 (iv) The identity of all creditors, cosigners,
335 guarantors, assignees or other parties to such loan, extension of
336 credit, assumption, assignment or related transaction;

337 (v) How such loan or other extension of credit was
338 utilized; and

339 (vi) All details concerning repayment of the loan
340 or extension of credit, including, but not limited to, the time of
341 the repayments, the method of repayments, the amount of repayments
342 and sources of repayments and the identity of the individuals
343 involved in the repayment.

344 (b) Candidates shall also file certified copies of all
345 documents related to the loans, extensions of credit, assumptions,

346 assignments or transactions required to be reported or identified
347 by this subsection.

348 **SECTION 4.** Section 23-15-811, Mississippi Code of 1972, is
349 amended as follows:

350 23-15-811. (1) Any candidate or any other person who shall
351 willfully and deliberately and substantially violate the
352 provisions and prohibitions of this article shall be guilty of a
353 misdemeanor and upon conviction thereof shall be punished by a
354 fine in a sum not to exceed Three Thousand Dollars (\$3,000.00) or
355 imprisoned for not longer than six (6) months or by both fine and
356 imprisonment.

357 (2) In addition to the penalties provided in subsection (1)
358 of this section, any candidate or political committee which is
359 required to file a statement or report which fails to file such
360 statement or report on the date in which it is due may be
361 compelled to file such statement or report by an action in the
362 nature of a mandamus.

363 (3) No candidate shall be certified as nominated for
364 election or as elected to office unless and until he files all
365 reports required by this article due as of the date of
366 certification.

367 (4) No candidate who is elected to office shall receive any
368 salary or other remuneration for the office unless and until he
369 files all reports required by this article due as of the date such
370 salary or remuneration is payable.

371 (5) In the event that a candidate fails to timely file any
372 report required pursuant to this article but subsequently files a
373 report or reports containing all of the information required to be
374 reported by him as of the date on which the sanctions of
375 subsections (3) and (4) of this section would be applied to him,
376 such candidate shall not be subject to the sanctions of
377 subsections (3) and (4) of this section.

378 (6) If a candidate is charged with a violation of this
379 section, the violation shall be deemed to have been committed in
380 the county of residence of the candidate, and venue for any

381 criminal action brought under this section shall be only in that
382 county.

383 (7) No criminal action may be brought under this section
384 unless the action is first authorized by the State Board of
385 Election Commissioners.

386 **SECTION 5.** Section 23-15-813, Mississippi Code of 1972, is
387 amended as follows:

388 23-15-813. (1) In addition to any other penalty permitted
389 by law, the Secretary of State shall require any candidate or
390 political committee, as identified in Section 23-15-805(1), and
391 any other political committee registered with the Secretary of
392 State, who fails to file a campaign finance disclosure report as
393 required under Sections 23-15-801 through 23-15-813, or Sections
394 23-17-47 through 23-17-53, or who shall file a report which fails
395 to substantially comply with the requirements of Sections
396 23-15-801 through 23-15-813, or Sections 23-17-47 through
397 23-17-53, to be assessed a civil penalty as follows:

398 (a) Within five (5) calendar days after any deadline
399 for filing a report pursuant to Sections 23-15-801 through
400 23-15-813, or Sections 23-17-47 through 23-17-53, the Secretary of
401 State shall compile a list of those candidates and political
402 committees who have failed to file a report. The Secretary of
403 State shall provide each candidate or political committee, who has
404 failed to file a report, notice of the failure by first-class
405 mail.

406 (b) Beginning with the tenth calendar day after which
407 any report shall be due, the Secretary of State shall assess the
408 delinquent candidate and political committee a civil penalty of
409 Fifty Dollars (\$50.00) for each day or part of any day until a
410 valid report is delivered to the Secretary of State, up to a
411 maximum of ten (10) days. However, in the discretion of the
412 Secretary of State, the assessing of the fine may be waived in
413 whole or in part if the Secretary of State determines that
414 unforeseeable mitigating circumstances, such as the health of the
415 candidate, interfered with timely filing of a report. Failure of

416 a candidate or political committee to receive notice of failure to
417 file a report from the Secretary of State is not an unforeseeable
418 mitigating circumstance, and failure to receive the notice shall
419 not result in removal or reduction of any assessed civil penalty.

420 (c) Filing of the required report and payment of the
421 fine within ten (10) calendar days of notice by the Secretary of
422 State that a required statement has not been filed, constitutes
423 compliance with Sections 23-15-801 through 23-15-813, or Sections
424 23-17-47 through 23-17-53.

425 (d) Payment of the fine without filing the required
426 report does not in any way excuse or exempt any person required to
427 file from the filing requirements of Sections 23-15-801 through
428 23-15-813, and Sections 23-17-47 through 23-17-53.

429 (e) If any candidate or political committee is assessed
430 a civil penalty, and the penalty is not subsequently waived by the
431 Secretary of State, the candidate or political committee shall pay
432 the fine to the Secretary of State within ninety (90) days of the
433 date of the assessment of the fine. If, after one hundred twenty
434 (120) days of the assessment of the fine the payment for the
435 entire amount of the assessed fine has not been received by the
436 Secretary of State, the Secretary of State shall notify the
437 Attorney General of the delinquency, and the Attorney General
438 shall file, where necessary, a suit to compel payment of the civil
439 penalty.

440 (2) (a) Upon the sworn application, made within sixty (60)
441 calendar days of the date upon which the required report is due,
442 of a candidate or political committee against whom a civil penalty
443 has been assessed pursuant to subsection (1) of this section, the
444 Secretary of State shall forward the application to the State
445 Board of Election Commissioners. The State Board of Election
446 Commissioners shall appoint one or more hearing officers who shall
447 be former chancellors, circuit court judges, judges of the Court
448 of Appeals or justices of the Supreme Court, and who shall conduct
449 hearings held pursuant to this article. The hearing officer shall
450 fix a time and place for a hearing and shall cause a written

451 notice specifying the civil penalties that have been assessed
452 against the candidate or political committee and notice of the
453 time and place of the hearing to be served upon the candidate or
454 political committee at least twenty (20) calendar days before the
455 hearing date. If the application is made by a candidate, the
456 place of the hearing shall be located in the county of residence
457 of the candidate. The notice may be served by mailing a copy
458 thereof by certified mail, postage prepaid, to the last known
459 business address of the candidate or political committee.

460 (b) The hearing officer may issue subpoenas for the
461 attendance of witnesses and the production of books and papers at
462 the hearing. Process issued by the hearing officer shall extend
463 to all parts of the state and shall be served by any person
464 designated by the hearing officer for the service.

465 (c) The candidate or political committee has the right
466 to appear either personally, by counsel or both, to produce
467 witnesses or evidence in his behalf, to cross-examine witnesses
468 and to have subpoenas issued by the hearing officer.

469 (d) At the hearing, the hearing officer shall
470 administer oaths as may be necessary for the proper conduct of the
471 hearing. All hearings shall be conducted by the hearing officer,
472 who shall not be bound by strict rules of procedure or by the laws
473 of evidence in the conduct of the proceedings, but the
474 determination shall be based upon sufficient evidence to sustain
475 it. The scope of review at the hearing shall be limited to making
476 a determination of whether failure to file a required report was
477 due to an unforeseeable mitigating circumstance.

478 (e) Where, in any proceeding before the hearing
479 officer, any witness fails or refuses to attend upon a subpoena
480 issued by the commission, refuses to testify, or refuses to
481 produce any books and papers the production of which is called for
482 by a subpoena, the attendance of the witness, the giving of his
483 testimony or the production of the books and papers shall be
484 enforced by any court of competent jurisdiction of this state in

485 the manner provided for the enforcement of attendance and
486 testimony of witnesses in civil cases in the courts of this state.

487 (f) Within fifteen (15) calendar days after conclusion
488 of the hearing, the hearing officer shall reduce his or her
489 decision to writing and forward an attested true copy of the
490 decision to the last known business address of the candidate or
491 political committee by way of United States first-class, certified
492 mail, postage prepaid.

493 (3) (a) The right to appeal from the decision of the
494 hearing officer in an administrative hearing concerning the
495 assessment of civil penalties authorized pursuant to this section
496 is granted. The appeal shall be to the Circuit Court of Hinds
497 County and shall include a verbatim transcript of the testimony at
498 the hearing; however, if the appeal is being made by a candidate,
499 the appeal shall be to the circuit court of the county of
500 residence of the candidate. The appeal shall be taken within
501 thirty (30) calendar days after notice of the decision of
502 the * * * hearing officer. The appeal shall be perfected upon
503 filing notice of the appeal and by the prepayment of all costs,
504 including the cost of the preparation of the record of the
505 proceedings by the hearing officer, and the filing of a bond in
506 the sum of Two Hundred Dollars (\$200.00), conditioned that if the
507 decision of the hearing officer be affirmed by the court, the
508 candidate or political committee shall pay the costs of the appeal
509 and the action in court. If the decision is reversed by the
510 court, the Secretary of State shall pay the costs of the appeal
511 and the action in court.

512 (b) If there is an appeal, the appeal shall act as a
513 supersedeas. The court shall dispose of the appeal and enter its
514 decision promptly. The hearing on the appeal may be tried in
515 vacation, in the court's discretion. The scope of review of the
516 court shall be limited to a review of the record made before the
517 hearing officer to determine if the action of the hearing officer
518 is unlawful for the reason that it was:

519 (i) Not supported by substantial evidence;

520 (ii) Arbitrary or capricious;
521 (iii) Beyond the power of the hearing officer to
522 make; or
523 (iv) In violation of some statutory or
524 constitutional right of the appellant.

525 The decision of the court may be appealed to the Supreme
526 Court in the manner provided by law.

527 (4) If, after forty-five (45) calendar days of the date of
528 the administrative hearing procedure set forth in subsection (2)
529 of this section, the candidate or political committee identified
530 in subsection (1) of this section fails to pay the monetary civil
531 penalty imposed by the hearing officer, the Secretary of State
532 shall notify the Attorney General of the delinquency. The
533 Attorney General shall investigate the offense in accordance with
534 the provisions of this chapter, and where necessary, file suit to
535 compel payment of the unpaid civil penalty.

536 (5) If, after twenty (20) calendar days of the date upon
537 which a campaign finance disclosure report is due, a candidate or
538 political committee identified in subsection (1) of this section
539 shall not have filed a valid report with the Secretary of State,
540 the Secretary of State shall notify the Attorney General of those
541 candidates and political committees who have not filed a valid
542 report, and the Attorney General shall thereupon prosecute the
543 delinquent candidates and political committees.

544 **SECTION 6.** Section 97-13-15, Mississippi Code of 1972, is
545 amended as follows:

546 97-13-15. It shall be unlawful for any corporation,
547 incorporated company, incorporated association or labor union, by
548 whatever name it may be known, incorporated or organized under the
549 laws of this state, or doing business in this state, or for any
550 servant, agent, employee or officer thereof, to give, donate,
551 appropriate or furnish directly or indirectly, any money,
552 security, funds or property of such a corporation, incorporated
553 company, incorporated association or labor union in excess of Two
554 Thousand Dollars (\$2,000.00) per calendar year for the purpose of

555 aiding any political party or any candidate for any public office,
556 or any candidate for any nomination for any public office of any
557 political party, or to give, donate, appropriate or furnish,
558 directly or indirectly, any money, security, funds or property of
559 such a corporation, incorporated company, association or labor
560 union in excess of Two Thousand Dollars (\$2,000.00) to any
561 committee or person as a contribution to the expense of any
562 political party or any candidate, representative or committee of
563 any political party or candidate for nomination by any political
564 party, or any committee or other person acting in behalf of such
565 candidate. The limit of Two Thousand Dollars (\$2,000.00) for
566 contributions to political parties, candidates and committees or
567 other persons acting in behalf of such candidates shall be an
568 annual limitation applicable to each calendar year and shall not
569 apply to contributions made by political committees.

570 **SECTION 7.** Section 23-15-817, Mississippi Code of 1972, is
571 amended as follows:

572 23-15-817. The Secretary of State shall compile a list of
573 all candidates for the Legislature or any statewide office who
574 fail to file a campaign disclosure report by the dates specified
575 in Section 23-15-807(2); the list shall be disseminated to the
576 members of the Mississippi Press Association within two (2)
577 working days after such reports are due and made available to the
578 public.

579 **SECTION 8.** Section 23-15-1023, Mississippi Code of 1972,
580 which provides that judicial candidates shall disclose information
581 about certain loans, is repealed.

582 **SECTION 9.** The Attorney General of the State of Mississippi
583 shall submit this act, immediately upon approval by the Governor,
584 or upon approval by the Legislature subsequent to a veto, to the
585 Attorney General of the United States or to the United States
586 District Court for the District of Columbia in accordance with the
587 provisions of the Voting Rights Act of 1965, as amended and
588 extended.

589 **SECTION 10.** This act shall take effect and be in force from
590 and after the date it is effectuated under Section 5 of the Voting
591 Rights Act of 1965, as amended and extended.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 23-15-801, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE DEFINITION OF THE TERM "CONTRIBUTIONS"; TO AMEND
3 SECTION 23-15-805, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FROM
4 AND AFTER JANUARY 1, 2007, CANDIDATES FOR STATE AND STATE DISTRICT
5 OFFICE AND THEIR AUTHORIZED COMMITTEES OR AGENTS THAT RECEIVE
6 CONTRIBUTIONS OR MAKE EXPENDITURES IN EXCESS OF \$500,000.00 IN ANY
7 CALENDAR YEAR, SHALL FILE CAMPAIGN FINANCE REPORTS BY ELECTRONIC
8 FORMAT; TO AMEND SECTION 23-15-807, MISSISSIPPI CODE OF 1972, TO
9 PROVIDE THAT CAMPAIGN FINANCE REPORTS SHALL INCLUDE CERTAIN
10 INFORMATION REGARDING LOANS OR OTHER EXTENSIONS OF CREDIT MADE TO
11 A CANDIDATE FOR USE IN SUCH CANDIDATE'S CAMPAIGN; TO AMEND SECTION
12 23-15-811, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A
13 CANDIDATE IS CHARGED WITH A CRIMINAL VIOLATION OF THE CAMPAIGN
14 FINANCE LAW, THE VIOLATION SHALL BE DEEMED TO HAVE BEEN COMMITTED
15 IN THE COUNTY IN WHICH THE CANDIDATE'S CAMPAIGN FINANCE REPORT WAS
16 PREPARED OR THE COUNTY OF RESIDENCE OF THE DEFENDANT AND VENUE FOR
17 ANY CRIMINAL ACTION BASED ON SUCH VIOLATION SHALL BE ONLY IN THAT
18 COUNTY; TO PROVIDE THAT NO CRIMINAL ACTION UNDER THE CAMPAIGN
19 FINANCE LAW MAY BE BROUGHT UNLESS FIRST AUTHORIZED BY THE STATE
20 BOARD OF ELECTION COMMISSIONERS; TO AMEND SECTION 23-15-813,
21 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT HEARINGS HELD BY HEARING
22 OFFICERS REGARDING IMPOSITION OF CIVIL FINES UPON CANDIDATES UNDER
23 THE CAMPAIGN FINANCE LAW SHALL BE HELD IN THE COUNTY OF RESIDENCE
24 OF THE CANDIDATE; TO PROVIDE THAT AN APPEAL FROM THE DECISION OF
25 THE HEARING OFFICER BY A CANDIDATE SHALL BE TO THE CIRCUIT COURT
26 OF THE COUNTY OF RESIDENCE OF THE CANDIDATE; TO AMEND SECTION
27 97-13-15, MISSISSIPPI CODE OF 1972, TO INCREASE TO \$2,000.00 THE
28 AMOUNT THAT CORPORATIONS, INCORPORATED COMPANIES OR INCORPORATED
29 ASSOCIATIONS MAY ANNUALLY DONATE FOR THE PURPOSE OF AIDING ANY
30 POLITICAL PARTY OR ANY CANDIDATE FOR ANY PUBLIC OFFICE, OR ANY
31 CANDIDATE FOR ANY NOMINATION FOR ANY PUBLIC OFFICE OF ANY
32 POLITICAL PARTY TO INCLUDE LABOR UNIONS WITHIN SUCH CONTRIBUTION
33 LIMIT; TO AMEND SECTION 23-15-817, MISSISSIPPI CODE OF 1972, IN
34 CONFORMITY THERETO; TO REPEAL SECTION 23-15-1023, MISSISSIPPI CODE
35 OF 1972, WHICH PROVIDES THAT JUDICIAL CANDIDATES SHALL DISCLOSE
36 CERTAIN INFORMATION ABOUT CERTAIN LOANS; TO PROVIDE THAT
37 CONTRIBUTIONS IN THE FORM OF A CHECK SHALL BE CONSIDERED TO HAVE
38 BEEN RECEIVED FOR REPORTING PURPOSES WHEN THE CANDIDATE, POLITICAL
39 PARTY, POLITICAL COMMITTEE OR AFFILIATED ORGANIZATION HAS CASHED
40 OR NEGOTIATED THE CHECK OR DEPOSITED THE CHECK INTO A BANK OR
41 OTHER FINANCIAL ACCOUNT; AND FOR RELATED PURPOSES.

SS26\HB1102PS.J

John O. Gilbert
Secretary of the Senate